

SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

MICHELLE M. THOMPSON,

Plaintiff,

vs.

SAFEWAY, INC., a California corporation
doing business in Washington State and
JOHN/JANE DOES 1-10,

Defendants.

Cause No. 21-2-01314-34

COMPLAINT FOR DAMAGES

COMES NOW Plaintiff by and through their attorneys, Ron Meyers & Associates, PLLC, and
allege the following:

I. PARTIES

1.1 For all times material hereto Plaintiff MICHELLE M. THOMPSON was above the age
of majority and a resident of Thurston County, Washington. Plaintiff was a business invitee on the
premises of Defendant SAFEWAY, INC. at the time of the events giving rise to this lawsuit.

1.2 For all times material hereto Defendant SAFEWAY, INC. was the owner and operator
of the Safeway store in Lacey, Thurston County, Washington, where Plaintiff MICHELLE M.
THOMPSON was injured. Defendant SAFEWAY, INC. is a corporation with its principal corporate
headquarters in California. Defendant SAFEWAY, INC.'s registered agent in Washington is CT
Corporation System, 505 Union Ave. SE, Suite 120, Olympia, WA 98501.

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RON MEYERS & ASSOCIATES PLLC
8765 Tallon Ln NE, Ste A, Lacey, WA 98516-6654
360-459-5600 / Fax 360-459-5622

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II. JURISDICTION AND VENUE

2.1 Jurisdiction and venue are proper in Thurston County, Washington pursuant to RCW 4.12.020 and RCW 4.12.025.

2.2 SAFEWAY, INC. does business in Thurston County, Washington.

2.3 The negligent acts of Defendant SAFEWAY, INC. took place at the SAFEWAY store located at 1243 Marvin Rd NE, Lacey, Thurston County, Washington.

2.4 The Plaintiff MICHELLE M. THOMPSON was injured inside the premises of SAFEWAY store located at 1243 Marvin Rd NE, Lacey, Thurston County, Washington.

2.5 Plaintiff MICHELLE M. THOMPSON was injured and suffered, and continues to suffer, economic and non-economic damages in Washington.

III. NATURE OF COMPLAINT

3.1 On August 28, 2019, Plaintiff MICHELLE M. THOMPSON was injured on the Defendant SAFEWAY, INC. premises located at 1243 Marvin Rd NE, Lacey, Thurston County, Washington.

3.2 While Plaintiff MICHELLE M. THOMPSON with her lunch in hand, was walking past the self serve chicken hot table station of Defendant SAFEWAY, INC., she slipped on barbeque sauce on the floor. The area of the floor where Plaintiff fell was a dangerous condition. There were no warnings of the dangerous condition.

3.3 Plaintiff MICHELLE M. THOMPSON fell hard on the floor injuring her back, neck, lower tailbone, elbow, arm and spraining her ankle. The force of impact with the floor was substantial enough to cause permanent injuries to Plaintiff, who continues to suffer from radiating pain, restricted motion and ongoing disability.

3.4 Defendant SAFEWAY, INC. failed to exercise ordinary care to maintain the area where Plaintiff slipped and fell in a reasonably safe condition.

3.5 Defendant SAFEWAY, INC. had actual knowledge of the dangerous condition, or the dangerous condition existed for a sufficient length of time and under circumstances that SAFEWAY,

1 INC. should have discovered it in the exercise of ordinary care and Defendant SAFEWAY, INC. failed.
2 to exercise ordinary care to discover the dangerous condition.

3 3.6 Defendant SAFEWAY, INC. should have expected that Plaintiff would not discover or
4 realize the dangerous condition or that Plaintiff would fail to protect herself against the dangerous
5 condition.

6 3.7 Defendant SAFEWAY, INC. failed to correct the dangerous condition, failed to warn
7 of the dangerous condition, and failed to exercise ordinary care to protect Plaintiff against the dangerous
8 condition.

9 3.8 The dangerous condition was reasonably foreseeable by Defendant SAFEWAY, INC.

10 3.9 Plaintiff MICHELLE M. THOMPSON's injuries were reasonably foreseeable and
11 preventable by Defendant SAFEWAY, INC., and were proximately caused by Defendant SAFEWAY,
12 INC.'s failure to warn its customers of this foreseeable hazard. Defendant SAFEWAY, INC. has the
13 highest standard of care to its business invitees, and breached its non-delegable duty to provide a safe
14 shopping environment to its customers.

15 3.5 As a direct and proximate result of Defendant SAFEWAY, INC.'s negligence, Plaintiff
16 MICHELLE M. THOMPSON suffered economic damages, including past and future medical
17 expenses, past and future earning losses and past and future out-of-pocket damages. Plaintiff
18 MICHELLE M. SMITH also suffered non-economic damages including past and future disability, loss
19 of enjoyment of life, physical and mental pain and suffering, and emotional distress.

20 3.6 There was no fault on the part of the Plaintiff.

21 3.7 Plaintiff has suffered serious physical injuries as a result of Defendants' negligence.
22 Plaintiff suffered substantial damages, special and general, as a direct result of the collision. Plaintiff
23 is entitled to recover for their damages in an amount to be proven at trial.

24 IV. NEGLIGENCE CAUSE OF ACTION

25 4.1 Defendant SAFEWAY, INC.'s negligent conduct caused Plaintiff MICHELLE M.
26 THOMPSON's injuries and damages. Defendant SAFEWAY, INC. created the dangerous condition,

1 failed to properly inspect, or correct the dangerous condition and caused Plaintiff MICHELLE M.
 2 THOMPSON's injuries and damages. Defendant SAFEWAY, INC. also failed to properly and timely
 3 inspect, maintain and repair its commercial, for profit, premises.

4 4.2 Defendant SAFEWAY, INC. derives a pecuniary benefit from its method of operation
 5 that involves self service of a high number of customers that enter and exit its stores. Defendant
 6 SAFEWAY, INC.'s self service method of operation is more dangerous to customers. Defendant
 7 SAFEWAY, INC. owed a non-delegable duty to business invitees to exercise reasonable care in
 8 keeping its premises in a reasonably safe condition.

9 4.3 The operating procedures of Defendant SAFEWAY, INC. were such that unreasonably
 10 dangerous conditions were continuous, or reasonably foreseeable, so that there is no legal requirement
 11 to prove actual or constructive notice of such conditions in order to establish liability.

12 4.4 Defendant SAFEWAY, INC. owed Plaintiff MICHELLE M. THOMPSON a common
 13 law duty of care, breached that common law duty and, as a direct and proximate result, Plaintiff
 14 MICHELLE M. THOMPSON suffered serious, permanent and progressive injuries and disability.

15 V. PROXIMATE CAUSE

16 5.1 As a direct result of Defendant SAFEWAY, INC.'s negligence, Plaintiff MICHELLE
 17 M. THOMPSON suffered and will continue to suffer, severe and permanent special damages and
 18 general damages, to be proven at trial.

19 VI. RELIEF REQUESTED

20 WHEREFORE Plaintiff respectfully requests the following relief from Defendants:

21 6.1 Past and future economic damages as proven at trial, including prejudgment interest on
 22 liquidated damages.

23 6.2 Past and future non-economic damages as proven at trial.

24 6.3 Taxable costs, including statutory attorney fees.

25 6.4 Such other relief as the Court deems proper.

1 DATED this the 20 day of July, 2021.

2 **RON MEYERS & ASSOCIATES PLLC**

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4
5 By:

Matthew G. Johnson, WSBA No. 27976
Ron Meyers, WSBA No. 13169
Tim Friedman, WSBA No. 37983
Attorneys For Plaintiff